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CONTINUED PROSECUTION APPLICATION (CPA)

Request Transmittal Under Small Entity Status

(Only for Continuation or Divisional Applications Under 37 CFR § 1.53(d))

Attorney Docket No.

NOVA-P033-T

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This request for a ☒ continuation ☐ divisional application under 37 CFR § 1.53(d) (Continued Prosecution Application (CPA)), of prior application No. 09/247,413, filed on 2/10/99, and entitled Method for Design of Epitaxial Layer and Substrate Structures for High-Quality Epitaxial Growth on Lattice-Mismatched Substrates.

Name of Applicant(s): Yu-Hwa Lo, Felix Ejeckam and Zuhua Zua

- (X) The issue fee in the prior application has not been paid.
 (X) The prior application is abandoned under 37 CFR § 1.53(d)(2) as of the filing date of this continued prosecution application.
 (X) Please use the file jacket and all the contents of the prior application, including the specification, drawings, and entered amendments, to constitute the new application.
 (X) I hereby claim the benefit of priority filing date under 35 USC § 120 of the above-identified patent application.

Foreign Priority - 35 USC § 119

- (X) Foreign priority under 35 U.S.C. § 119 has been claimed in prior application No. PCT/US00/03/023 filed on 2/4/2000, in (country) PCT.
 (X) Foreign priority under 35 U.S.C. § 119 has been claimed in prior application No. 89102083 filed on 2/8/2000, in (country) TAIWAN.
☐ The certified copy has been filed in prior application No. / filed on .
☐ A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.

Other Amendments

- ☐ Before calculating the filing fee, amend the prior application as follows:
☐ Cancel the following claims:
☐ Enter the enclosed preliminary amendment.
☐ Enter the unentered amendment(s) previously filed on under 37 CFR § 1.116 in the prior nonprovisional application. A copy of the amendment(s) is (are) enclosed:

Inventorship Statement

- ☐ Delete the following named inventors in the prior application as inventors in this application in accordance with 37 CFR § 1.53(d)(4) as a result of a change in the claimed subject matter:

Assignment 05/30/2001 RHARIS1 00000146 09247413

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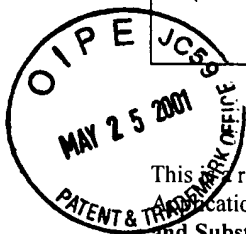
- (X) The prior application is assigned to Nova Crystals, Inc.

Enclosures

- (X) Specification; 17 Total Pages. ☐ Drawing(s); 3 Total Sheets. (6 figures)

(X) Oath or Declaration:

- ☐ A newly executed combined oath or declaration and power of attorney (37 CFR § 1.63(d)(4)).
 (X) A copy from a prior application for continuation/divisional (37 CFR § 1.63(d)(1)).
☐ Incorporation by reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
☐ Power of Attorney was changed during prosecution of prior application to Fernandez and Associates.
☐ Correspondence address was changed during prosecution of prior application to that shown below.
☐ Priority Documents (if foreign priority is claimed).
 (X) Revocation and New Power of Attorney.
 (X) Verified statement(s) to establish status as a small entity:
☐ A copy is enclosed. ☐ Small entity status is no longer claimed.
 (X) A statement was filed in the prior application, and small entity status is still proper and desired.
 (X) Return Receipt Postcard. ☐ Preliminary Amendment(s). ☐ Unentered Amendment(s).
 (X) A check in the amount of \$ 355.00 for the Filing Fee.
☐ Other:

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Filing Fee Calculation

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims		0	\$9.00	\$.00
Independent Claims		0	\$39.00	\$.00
Multiple Dependent Claim Fee (if applicable)				\$.00
Assignment Recording Fee (if applicable)				\$.00
Basic Filing Fee				\$ 355.00
Total Filing Fee				\$ 355.00

X A Check # 3262 for \$ 355.00 for the above specified Total Fee is enclosed. However, should Applicant inadvertently miscalculated the required fee, the Commissioner is hereby authorized to charge the necessary additional amount associated with this communication or credit any overpayment to **Deposit Account No: 500482**. A duplicate copy of this sheet is enclosed for fee processing.

Respectfully submitted,

By: _____

DENNIS S. FERNANDEZ
Attorney of Record
Reg. No. 34,160

Date: 5/25/2001

Correspondence Address:

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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

By: _____

Typed Name: Maritza Kidd

Express Mail Label No.: EL766119605US

Date of Deposit: 5/25/2001



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